

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1592

AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 16-18-2-223.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 223.7. "Medically contraindicated", for purposes of IC 16-28-14 ~~has the meaning set forth in IC 16-28-14-1.~~ and IC 16-28-14.5, means that a vaccine would be detrimental to an individual's health because of a medical condition of the individual.

SECTION 2. IC 16-28-14.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

### **Chapter 14.5. Health Facility Employee Immunizations**

#### **Sec. 1. This chapter applies only to the following:**

- (1) Health facilities that are licensed under IC 16-28 as comprehensive care facilities.
- (2) Employees of health facilities described in subdivision (1) who have direct contact with a patient or resident of the health facility.

**Sec. 2. (a)** Subject to obtaining an employee's consent, a health facility shall annually administer or make available to be administered immunizations against the influenza virus to the employee of the health facility.

**(b)** A health facility shall conduct the immunizations required under subsection (a) in accordance with the recommendations

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established by the Advisory Committee on Immunization Practices of the United States Centers for Disease Control and Prevention that are in effect at the time the health facility conducts the immunizations.

**Sec. 3.** A health facility shall annually administer or make available to be administered the immunizations required under this chapter to each employee of the health facility who is employed by the health facility during the period beginning October 1 and ending February 1 of the following year.

**Sec. 4.** A health facility is not required to provide or make available to the health facility's employees annual immunizations against the influenza virus if the department determines that the necessary vaccine is not in adequate supply.

**Sec. 5.** Notwithstanding any other provision of this chapter, a health facility shall not require an employee to receive an immunization under this chapter if:

- (1) the health facility:
  - (A) has written documentation from the employee's physician or other health care provider indicating the date and place that the individual received an immunization required under this chapter; and
  - (B) determines that no additional immunization is required;
- (2) the immunization is medically contraindicated for the employee;
- (3) receiving the immunization is against the employee's religious beliefs; or
- (4) the employee refuses to permit the immunization after being fully informed of the health risks.

**Sec. 6.** The state department may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 3. IC 16-28-14-1 IS REPEALED [EFFECTIVE JULY 1, 2009].

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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